

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>July 17, 2018</u>

-----X
HICKEY FREEMAN TAILORED CLOTHING,
INC.,

Plaintiff,

v.

CHARGEURS, S.A., LAINIERE DE PICARDIE
BC SAS, LAINIERE DE PICARDIE INC.,
LAINIERE DE PICARDIE (WUJIANG) TEXTILES
CO. LTD., AND VERATEX LINING LTD.,

Defendants.
-----X

17 Civ. 5754 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

For the reasons stated on the record at the July 17, 2018 conference with the parties, the Chargeurs Defendants' motion to dismiss Plaintiff's breach of contract claim (Dkt. #17), is DENIED, and the Chargeurs Defendants' motion for a protective order (Dkt. #57), is GRANTED.

Plaintiff's applications for discovery sanctions and for alternative service on Lainiere Textiles (Dkt. #67) are DENIED without prejudice to being renewed at a later date. Chargeurs, S.A. is hereby ORDERED to produce all Lainiere Textiles documents in its possession, custody, or control no later than August 3, 2018.

The Chargeurs Defendants' motion to compel (Dkt. #68), is GRANTED in part and DENIED in part. The Chargeurs Defendants will be permitted to take a supplemental deposition of Mr. Diduch by written question on the topics of:

(i) Hickey Freeman's quality control measures from January 1, 2013 to January 1, 2016; and (ii) Hickey Freeman's regulation of temperature, pressure, steam, or

any other relevant metrics, in effect on Hickey Freeman's machines used in the manufacturing of suits as alleged in Paragraph 38 of the Complaint. The Chargeurs Defendants must propound their questions to Mr. Diduch no later than August 3, 2018, and Plaintiff must respond no later than August 24, 2018.

Plaintiff's application for leave to file a combined motion to amend and motion to compel the production of documents and a deposition from Fitexin and Chargeurs Entoilage is GRANTED. Plaintiff may file an opening brief not to exceed 30 pages, and the Court will look with particular disfavor on any attempts to circumvent the page requirements. Plaintiff is directed to file its motion by August 17, 2018. Any Defendant wishing to file an opposition must do so by September 14, 2018, and Defendants may file opposition briefs of 30 pages, only if they address both of Plaintiff's motions. Plaintiff's reply should not exceed 15 pages, and must be filed by September 28, 2018.

Veratex's and the Chargeurs Defendants' joint application to extend the time for fact discovery (Dkt. #69) is GRANTED. The parties may have until September 17, 2018, to complete fact discovery. The period for expert discovery is hereby STAYED. The Court understands that the parties reached agreement on as to the depositions of the Chargeurs Defendants' corporate designees, Martha Diamond, Chris Linares, Michael McNiff, and a Dillard's corporate representative, but that the parties did not reach agreement on the deposition of Mr. Abramowicz. As noted on the record, Plaintiff is hereby ORDERED to produce Mr. Abramowicz for six hours — Veratex will be permitted to take up to

four hours of testimony from Mr. Abramowicz, while the Chargeurs Defendants will be permitted to take up to two hours of testimony from Mr. Abramowicz on the topics identified by the Court.

The Clerk of Court is directed to terminate the motions at Docket Entries 17, 57, 67, 68, and 69.

SO ORDERED.

Dated: July 17, 2018
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge